

10/018023

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: § § Attorney Docket No.: 31181.26  
Cole, et al. § §  
Serial No.: United States National Phase § I. A. Filing Date: June 6, 2000  
of PCT/US00/15473 § § Priority Date: June 10, 1999  
Filed: Herewith § §

For: FEMORAL INTRAMEDULLARY ROD SYSTEM

Attention: DO/EO/US  
Commissioner For Patents  
Washington, D.C. 20231

## EXPRESS MAIL CERTIFICATE

Express Mail Number: EL 828065175 US

Date of Deposit: December 10, 2001

I hereby certify that the following papers and fee are attached: Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 34 U.S.C. 371; Preliminary Amendment; Copy of PCT Request Form 101 w/specification, abstract, claims, and fifteen (15) sheets of drawings for originally filed priority Application No. 09/329,688; Copy of International Search Report (w/references); Copy of Written Opinion; Copy of Response to Written Opinion; Copy of Demand for International Preliminary Examination; Copy of Declaration/Power of Attorney; Copy of Recorded Assignment; authorization to charge our deposit account in the amount of \$50.00; and an Acknowledgment Postcard are being deposited with United States Postal Service "Express Mail Post Office to addressee" to the Commissioner for Patents, Washington, D.C. 20231.

Laura Johnson

Typed or Printed Name



Signature

December 10, 2001

D-968119.1

FORM PTO-1390 (REV. 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>				31181.26
INTERNATIONAL APPLICATION NO. PCT/US00/15473		INTERNATIONAL FILING DATE 06 June 2000		U.S. APPLICATION NO. (If known, see 37 CFR 1.5 <b>10/018023</b>
				PRIORITY DATE CLAIMED 10 June 1999
TITLE OF INVENTION <b>FEMORAL INTRAMEDULLARY ROD SYSTEM</b>				
APPLICANT(S) FOR DO/EO/US J. Dean Cole, Carol A. Knobloch				
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:				
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ul> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (copy of original U.S. case)</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>				
<p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.</p> <p>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information:</p>				

U.S. APPLICATION NO. (If known, see 37 CFR 1.51) <b>10/0180251</b>		INTERNATIONAL APPLICATION NO. PCT/US00/15473	ATTORNEY'S DOCKET NUMBER 31181.7																									
21. <input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS PTO USE ONLY																										
<b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b>																												
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. .... \$1000.00																												
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .... \$860.00																												
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .... \$710.00																												
International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .... \$690.00																												
International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .... \$100.00																												
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>																												
\$ 100.00																												
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$																										
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> <th>\$</th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>20</td> <td>- 20 =</td> <td>0</td> <td>x \$18.00</td> </tr> <tr> <td>Independent claims</td> <td>2</td> <td>- 3 =</td> <td>0</td> <td>x \$84.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td colspan="2">+ \$270.00</td> </tr> <tr> <td colspan="4" style="text-align: center;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$ 100.00</td> </tr> </tbody> </table>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	Total claims	20	- 20 =	0	x \$18.00	Independent claims	2	- 3 =	0	x \$84.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00		<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 100.00
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<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. $+ \frac{1}{2} \times \$100.00 = \$50.00$																												
<b>SUBTOTAL =</b>		\$ 50.00																										
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$ 0.00																										
<b>TOTAL NATIONAL FEE =</b>		\$ 50.00																										
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +		\$ 0.00																										
<b>TOTAL FEES ENCLOSED =</b>		\$ 50.00																										
		<b>Amount to be refunded:</b>	\$																									
		<b>charged:</b>	\$																									
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>08-1394</u> in the amount of \$ <u>50.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>08-1394</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.</p>																												
<p><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</b></p>																												
<p>SEND ALL CORRESPONDENCE TO:</p> <p>  <b>J. Andy Lowes</b>          Haynes and Boone, LLP          901 Main Street, Suite 3100          Dallas, Texas 75202-9918          Phone: (214) 651-5627          Fax: (214) 651-5940</p>																												
<p>SIGNATURE  <b>J. Andy Lowes</b>          NAME  <u>40,706</u>          REGISTRATION NUMBER</p>																												